

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HEATHER GAUTHIER
Plaintiff

VS. CIVIL ACTION #05-CV-10136RWZ

RICKY SANTIAGO, a CITY OF
LAWRENCE POLICE OFFICER, in
His Individual and Official Capacities,
SEVERAL OTHER UNKNOWN OFFICERS
OF THE CITY OF LAWRENCE AS JOHN
DOE, in Their Individual and Official
Capacities, and the CITY OF LAWRENCE,
a Municipal Corporation

Defendants

JOINT AND ASSENTED TO MOTION TO CONTINUE
PRE-TRIAL AND EXTEND THE DISCOVERY DATE

Now comes the plaintiff, Heather Gauthier, and requests that this Court continue the pre-trial date and extend the discovery date for sixty (60) days after the mediation date now scheduled for March 8, 2006. As reasons therefor, the Plaintiff states as follows:

- 1) At the scheduling conference before Judge Zobel, an ordering process for discovery was established. In essence, the defendants were to take the depositions of the plaintiff and her former employer and at the conclusion decide if alternative dispute resolution was an option. Once the defendants elected their course and in the event that the case is not resolved, then the plaintiff was to conduct its discovery.
- 2) In accordance with the court's scheduling order, the defendants conducted the plaintiff's deposition.
- 3) In accordance with the court's scheduling order, the defendants have elected to proceed to mediation.

- 4) The mediation is currently scheduled for March 29, 2006, but the parties have requested that it be rescheduled as Defendant Santiago's counsel is currently scheduled to be on trial.
- 5) Magistrate Judge Sorokin's Clerk has indicated that the mediation may be rescheduled to March 8, 2006, at 10:00 a.m., and all parties have agreed.
- 6) The pre-trial of March 8, 2006, is premature given the court's scheduling of the mediation before Magistrate Sorokin.
- 7) In the event that the case is not settled at the mediation, then in accordance with the court's scheduling conference, the parties request a period of sixty (60) days after the mediation to conduct the discovery.
- 8) In accordance with the court's scheduling order, the pre-trial should be scheduled for a date after the conclusion of plaintiff's discovery.
- 9) All parties assent to this motion.

WHEREFORE, the plaintiff, Heather Gauthier, prays that:

- 1) The pre-trial be continued until after the close of the discovery period;
- 2) That in the event the mediation does not settle the case, the parties be given sixty (60) days to conduct discovery.

Respectfully submitted,

PLAINTIFF, HEATHER GAUTHIER
By her Attorney,

/s/Marc D. Padellaro
Marc D. Padellaro/BBO #541847
MONAHAN & PADELLARO
43 Thorndike Street
Cambridge, MA 02141
617-494-1188

Dated: March 2, 2006

ASSENTED TO:
DEFENDANT, RICKY SANTIAGO
By his Attorney,

/s/Matthew E. Dwyer
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ASSENTED TO:
DEFENDANT, CITY OF LAWRENCE
By its Attorney,

/s/James Bowers
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